

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2275
OFFERED BY MR. EHLERS AND MR. BARCIA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Voting Technology
3 Standards Act of 2001”.

4 SEC. 2. DEFINITIONS.

5 For purposes of this Act—

6 (1) the term “technical standards” means per-
7 formance-based standards and conformance speci-
8 fications; and

9 (2) the term “voting products and systems” in-
10 cludes products and systems relating to every stage
11 of the voting process, from voter registration
12 through recounts and archiving.

13 SEC. 3. VOTING TECHNOLOGY STANDARDS.

14 (a) COMMISSION.—

15 (1) ESTABLISHMENT.—There is established a
16 commission to develop voluntary technical standards
17 to ensure the usability, accuracy, security, and integ-
18 rity of United States voting products and systems.

1 (2) MEMBERSHIP.—The Commission shall con-
2 sist of—

3 (A) the Director of the National Institute
4 of Standards and Technology, who shall serve
5 as the chair of the Commission;

6 (B) two representatives of the National As-
7 sociation of State Election Directors, selected
8 by that association, one Republican and one
9 Democrat;

10 (C) one representative of the American
11 National Standards Institute, selected by that
12 institute; and

13 (D) nine additional members selected by
14 the members described in subparagraphs (A)
15 through (C) by unanimous vote, of which at
16 least two shall be local election officials;

17 (3) TERMS.—(A) Except as provided in sub-
18 paragraph (B), (C), or (D) of this paragraph, each
19 member selected under paragraph (2)(B), (C), or
20 (D) shall serve a term of 6 years.

21 (B) Four of the members initially appointed
22 under paragraph (2)(D) shall be appointed for an
23 initial term of 3 years.

1 (C) The members initially appointed under
2 paragraph (2)(B) shall be appointed for an initial
3 term of 4 years.

4 (D) The member initially appointed under para-
5 graph (2)(C) shall be appointed for an initial term
6 of 5 years.

7 (E) Members may serve for more than 1 term.

8 (F) Any member appointed under paragraph
9 (2)(D) to fill a vacancy occurring before the expira-
10 tion of the term for which the member's predecessor
11 was appointed shall be appointed only for the re-
12 mainder of that term. A member may serve after the
13 expiration of that member's term until a successor
14 has taken office, but not more than 1 year. A va-
15 cancy in the Commission shall be filled in the man-
16 ner in which the original appointment was made.

17 (4) TRAVEL EXPENSES.—Each member shall
18 receive travel expenses, including per diem in lieu of
19 subsistence, in accordance with applicable provisions
20 under subchapter I of chapter 57 of title 5, United
21 States Code.

22 (5) QUORUM.—The Commission shall conduct
23 no business, other than appointing members under
24 paragraph (2)(D), before all members of the Com-

1 mission have been appointed. Nine members of the
2 Commission shall constitute a quorum.

3 (6) ADMINISTRATIVE AND TECHNICAL SUP-
4 PORT.—Upon the request of the Commission, the
5 Director of the National Institute of Standards and
6 Technology shall provide to the Commission the ad-
7 ministrative and technical support necessary for the
8 Commission to carry out its responsibilities under
9 this Act.

10 (b) DEVELOPMENT OF VOLUNTARY TECHNICAL
11 STANDARDS.—

12 (1) PROCEDURES.—Not later than 90 days
13 after the date of the enactment of this Act, the
14 Commission shall publish in the Federal Register a
15 description of the procedures it will use to establish
16 voluntary technical standards under this subsection,
17 along with a list of the members of the Commission.

18 (2) ESTABLISHMENT OF VOLUNTARY TECH-
19 NICAL STANDARDS.—Not later than 9 months after
20 the date of the enactment of this Act, the Commis-
21 sion shall establish, and publish in the Federal Reg-
22 ister, such voluntary technical standards as are nec-
23 essary to ensure the usability, accuracy, security,
24 and integrity of United States voting products and
25 systems.

1 (3) REVIEW AND UPDATE.—The Commission
2 shall review the voluntary technical standards estab-
3 lished under this subsection at the conclusion of
4 every even-numbered year, and shall determine
5 whether new or updated voluntary technical stand-
6 ards are necessary to ensure the usability, accuracy,
7 security, and integrity of United States voting prod-
8 ucts and systems. If the Commission determines
9 that such new or updated voluntary technical stand-
10 ards are necessary, the Commission shall publish in
11 the Federal Register the findings of its review, an
12 explanation for its decision, and the new or updated
13 voluntary technical standards.

14 **SEC. 4. LABORATORY ACCREDITATION.**

15 Not later than 6 months after the initial publication
16 of voluntary technical standards established under section
17 3(b)(2), the National Institute of Standards and Tech-
18 nology shall accredit independent, non-Federal labora-
19 tories to test and certify that voting products and systems
20 conform with the voluntary technical standards estab-
21 lished by the Commission.

22 **SEC. 5. INFORMATION DISSEMINATION.**

23 The National Institute of Standards and Technology,
24 after consultation with the Commission, shall—

1 (1) disseminate voluntary technical standards
2 established under section 3(b), other relevant tech-
3 nical information, guidelines for usage of the vol-
4 untary technical standards, and any other informa-
5 tion appropriate to assist in the implementation of
6 the voluntary technical standards;

7 (2) maintain and make available a list of lab-
8 oratories accredited under section 4; and

9 (3) maintain and make available a list of
10 United States voting products and systems that have
11 been certified by a laboratory accredited under sec-
12 tion 4 to conform with the voluntary technical stand-
13 ards established by the Commission.

14 **SEC. 6. RESEARCH AND DEVELOPMENT PROGRAM.**

15 The Director of the National Institute of Standards
16 and Technology shall establish a program for research and
17 development in areas to support the development of vol-
18 untary technical standards established under section 3(b)
19 for voting products and systems, including research and
20 development on—

21 (1) the security of computers, computer net-
22 works, and computer data storage used in voting
23 products and systems, including methods to detect
24 and prevent fraud;

25 (2) protection of voter privacy;

1 (3) human factors in the design and application
2 of voting products and systems, including assistive
3 technologies for persons with disabilities; and

4 (4) remote access voting, including Internet vot-
5 ing.

6 **SEC. 7. REPORT TO CONGRESS.**

7 Not later than 1 year after the date of the enactment
8 of this Act, the Commission shall transmit to the Congress
9 a report that—

10 (1) assesses the areas of human factors re-
11 search, including usability engineering and human-
12 computer and human-machine interaction, that fea-
13 sibly could be applied to voting products and sys-
14 tems design to ensure the usability and accuracy of
15 United States voting products and systems, includ-
16 ing to improve access by the disabled and to reduce
17 voter error and the number of spoiled ballots in elec-
18 tions;

19 (2) assesses the potential demand by State and
20 local governments for technical assistance in imple-
21 menting voluntary technical standards established
22 under section 3(b), and makes recommendations on
23 how best to address that demand;

1 (3) makes recommendations for methods of pro-
2 moting the implementation of voluntary technical
3 standards established under section 3(b); and

4 (4) assesses the need for a grant program or
5 other mechanism to ensure the accreditation and op-
6 eration of a sufficient number of laboratories to test
7 and certify voting products and systems.